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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ORANGE COUNTY CATHOLIC  
WORKER, an unincorporated  
association; Lisa Bell, Shawn Carroll,  
Melissa Fields, Larry Ford, Cameron  
Ralston, Kathy Schuler, Gloria  
Shoemake, as individuals;

Plaintiffs,

v.

ORANGE COUNTY, the City of  
Anaheim, the City of Costa Mesa, and  
the City of Orange,  
Defendants.

Case No.: 8:18-cv-00155-DOC-(KESx)

**BRIEF OF *AMICI CURIAE* THE  
PUBLIC LAW CENTER AND THE  
KENNEDY COMMISSION IN  
SUPPORT OF PLAINTIFFS'  
APPLICATION FOR A  
PRELIMINARY INJUNCTION**

[Honorable David O. Carter]

**Complaint Filed: January 29, 2018  
Trial Date: None Set  
Hearing Date: February 13, 2018**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF  
RECORD:

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1 Pursuant to the Court's minute order of February 6, 2018 (Document 53),  
2 inviting written briefing from any amicus groups which may include "[S]ervice  
3 providers... and housing organizations," *Amici Curiae* The Public Law Center and  
4 The Kennedy Commission (hereinafter referred to as "*Amici*," unless otherwise  
5 noted), hereby submit this Amicus Brief in support of Plaintiffs' Application for a  
6 Preliminary Injunction.

7 Respectfully Submitted,  
8 PUBLIC LAW CENTER

9 Dated: February 9, 2018

10 /s/ Ugochi Anaeberere-Nicholson  
11 By: UGOCHI ANAEBERE-  
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**STATEMENT OF INTEREST OF *AMICI CURIAE***

1. The Public Law Center is a 501(c)(3) nonprofit that has championed the rights of low-income residents in Orange County since 1981. In 2017, Public Law Center staff and volunteers provided over 65,000 hours of free legal services in handling over 4,500 cases benefiting low-income children, adults, and seniors. Public Law Center's services include counseling, individual representation, community education, strategic policy advocacy, and impact litigation to challenge societal injustices. In its Housing and Homelessness Prevention Unit, Public Law Center seeks to empower communities by preventing homelessness, preserving and expanding affordable housing, and protecting the housing rights of low-income families by representing low-income families in housing related matters, advocating for sensible strategies to end homelessness in Orange County, and collaborating with community organizations, statewide advocates, and law firms to push Orange County jurisdictions to create effective housing policies for lower-income individuals and families.

2. The Kennedy Commission is a collaborative of community members that advocates for the production of homes for Orange County families earning less than \$20,000 annually. The Kennedy Commission strives to develop solutions to housing needs, affirms the dignity of families with low and extremely low-incomes, and unites communities across Orange County to support the development of homes that are affordable to all residents. Originally convened in 1995 as an all-volunteer organization, and formally incorporated in 2001, The Kennedy Commission was named in memory of Orange County resident Ralph Kennedy, a pioneer of affordable homes and human rights advocacy. Through its extensive network, The Kennedy Commission works at the federal, state, and local level to provide education on housing needs and create public policy that results in the production of affordable housing for families earning less than \$20,000 annually in Orange County. The Kennedy Commission has been successful in

1 partnering with jurisdictions in Orange County to create effective policies that have  
2 led to the new construction of 4,000 affordable housing units for lower-income  
3 working families in Orange County.

## 4 MEMORANDUM OF POINTS AND AUTHORITIES

### 5 INTRODUCTION

6 *Amici Curiae* The Public Law Center and The Kennedy Commission support  
7 the arguments made by Plaintiffs, Orange County Catholic Worker, *et al.*, in their  
8 motion. *Amici* respectfully request that the Court grant Plaintiffs' motion because  
9 in their respective organizations, *Amici* have observed the increase in enforcement  
10 against persons in Orange County who are homeless and who lack affordable  
11 housing options. This enforcement includes, but is not limited to, the issuance of  
12 infractions and the enactment of misdemeanor anti-loitering, trespassing,  
13 "aggressive solicitation," and anti-camping ordinances throughout Orange County.  
14 *Amici* submit that these ordinances are not designed to solve the humanitarian  
15 crisis of homelessness in Orange County, but are rather designed to criminalize the  
16 unavoidable behaviors of homeless people such as sleeping outside or having  
17 property and no place to store it. For the reasons set forth below, *Amici* respectfully  
18 request that the Court grant Plaintiffs' motion.

### 19 ARGUMENT

20 In its minute order of February 6, 2018, the Court stated the following  
21 concerns with allowing Defendants to continue their actions in evicting residents  
22 from the Riverbed:

23 "[T]hat persons who leave or are evicted from the  
24 Riverbed may subsequently be cited by Defendant Cities  
25 under those Cities' anti-camping or anti-loitering laws, even  
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1           though those persons may not be able to find a shelter or other  
2           place to sleep.”<sup>1</sup>

3           *Amici* share the concerns of the Court and respectfully request the Court  
4           grant Plaintiffs’ request for a Preliminary Injunction and stop the evictions at the  
5           Riverbed because *Amici* has opposed the enactment of anti-camping, “aggressive  
6           solicitation,” and anti-loitering ordinances in Orange County.<sup>2</sup> In addition, *Amici*  
7           has advocated for the increase in and the preservation of affordable housing  
8           opportunities in many cities in Orange County, including, but not limited to, Santa  
9           Ana, Garden Grove, Costa Mesa, Huntington Beach, Mission Viejo, and Tustin. It  
10          is evident Orange County does not want to dedicate any of its vast resources to  
11          solve the homelessness crisis, as evidenced by more cities in Orange County  
12          moving to enact their own anti-camping and anti-loitering ordinances.<sup>3</sup> Further,  
13          *Amici* are informed and believe Orange County has several hundred of millions of  
14          dollars that have been earmarked to meet the needs of Orange County’s most  
15          vulnerable residents, including the homeless, many of whom live at the Riverbed,  
16          but Orange County refuses to use these funds to address its homelessness issues.<sup>4</sup>

17          Moreover, the housing options are abysmal for people in Orange County  
18          who reside in low-income communities. A recent study found that Orange County

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20          <sup>1</sup> *Orange County Catholic Worker, et al. v. Orange County, et al.*, Case 8:18-cv-00155-DOC-(KESx) (C.D. Cal.  
2/6/18) (citing Order Setting Injunction Hearing (Dkt. 50).)

21          <sup>2</sup> Recently, *Amici* has opposed anti-camping and anti-loitering campaigns in these cities: Mission Viejo (September  
12, 2017 - Anti-Camping:

22          <http://dms.cityofmissionviejo.org/sirepub/cache/2/vfe2he5kjfxvnyxccefp14yp/313705702082018103101647.PDF>);

23          Tustin (November 21, 2017 - Anti-Camping or Vagrancy:

24          <http://econnect.tustinca.org/Weblink8/DocView.aspx?id=556440&dbid=0>); Santa Ana (October 17, 2017 - "Anti-

25          Camping" [http://santaana.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=1357&meta\\_id=53331](http://santaana.granicus.com/MediaPlayer.php?view_id=2&clip_id=1357&meta_id=53331)); and

26          Anaheim

27          (September 12, 2017 Homelessness State of Emergency

28          [http://local.anaheim.net/docs\\_agend/questys\\_pub/14558/14588/14590/15353/15382/1.%20Resolution15382.pdf](http://local.anaheim.net/docs_agend/questys_pub/14558/14588/14590/15353/15382/1.%20Resolution15382.pdf))

29          <sup>3</sup> See San Clemente (Feb. 6, 2018 (First Reading) - Anti-Camping, available at [http://www.san-](http://www.san-clemente.org/Home/ShowDocument?id=43818)  
30          [clemente.org/Home/ShowDocument?id=43818](http://www.san-clemente.org/Home/ShowDocument?id=43818) Peace, Morals, and Welfare (no lying down on sidewalks, etc.):

31          <http://www.san-clemente.org/Home/ShowDocument?id=43820>), last visited on February 6, 2018.

32          <sup>4</sup> See *Orange County gets \$23 million to fight homelessness*, available at

33          [https://www.ocregister.com/2018/01/11/187-million-in-federal-grants-coming-to-southern-california-to-help-](https://www.ocregister.com/2018/01/11/187-million-in-federal-grants-coming-to-southern-california-to-help-homeless/)  
34          [homeless/](https://www.ocregister.com/2018/01/11/187-million-in-federal-grants-coming-to-southern-california-to-help-homeless/), last visited on February 8, 2018; see also *David Ramirez, et al. v. The County of Orange*, No. 2:18-cv-  
35          01027 (C.D. Cal. filed Feb. 7, 2018).



needs at least 109,965 more affordable rental homes.<sup>5</sup> Renters need to earn more than 3.5 times the local minimum wage just to afford the base median rent for an apartment in Orange County—which has risen to a staggering average of \$1,950 per month.<sup>6</sup> The situation for homeless people in Orange County is dire. The Point-In-Time Count for Orange County that took place on January 28, 2017, the most recent for which data is available, registered 4,792 persons who are homeless on any given night, and by all accounts, the numbers are growing. Yet, in response, Orange County only has 1,579 emergency and transitional shelter spots, and many of these are reserved for special populations such as families or survivors of domestic violence. There are no shelters where homeless people can seek refuge, as many of the shelters that are available are over capacity on most nights.<sup>7</sup> Further, the Bridges at Kraemer Place, North Anaheim—Orange County’s only year-round emergency shelter and multi-service center—is at capacity. Likewise, the Courtyard, a former open-air bus terminal near Santa Ana’s Civic Center that was never intended for human habitation, is also at capacity. While there are armories in Orange County, these facilities are only open at night, and they are extremely limited in their capacity in terms of space. They are also largely unsuitable to meet the needs of persons with disabilities. Moreover, there are approximately 21,000 leased Section 8 households county-wide, but permanent affordable units are generally at full occupancy, with over 90,000 households on the waitlist. The actions by Defendants to forcibly evict residents at the Riverbed come at time when Orange County has refused to invest in solutions to end its homelessness and affordable housing crisis.<sup>8</sup> *Amici* respectfully request that the

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<sup>5</sup> *Orange County Renters in Crisis: A Call for Action*, California Housing Partnership and Kennedy Commission (Cesar Covarrubias), May 2017, available at <https://chpc.net/wp-content/uploads/2017/05/Orange-County-2017.pdf>, last visited on February 7, 2018.

<sup>6</sup> *Id.*, emphasis added.

<sup>7</sup> See *An Assessment of Homeless Services in Orange County* (2017), Susan Price, available at [http://bos.ocgov.com/ceo/care/HOMELESS%20ASSESSMENT%20DCC%20REPORT\\_10.18.2015.pdf](http://bos.ocgov.com/ceo/care/HOMELESS%20ASSESSMENT%20DCC%20REPORT_10.18.2015.pdf), last visited on September 8, 2017, pp. 13, 23.

<sup>8</sup> See *Orange County Catholic Worker, et al. v. Orange County, et al.* No. 8:18-cv-00155 (C.D. Cal. filed Jan. 29, 2018); see also *David Ramirez, et al. v. The County of Orange, supra*, No. 2:18-cv-01027 (C.D. Cal. filed Feb. 7, 2018).

1 Court grant Plaintiffs' motion and enjoin Defendants from causing any more harm  
2 to its most vulnerable residents.

3 At the end of last year, Governor Jerry Brown signed an unprecedented  
4 package of laws to address the housing crisis in California. The money raised by  
5 the changes in the law, however, will fall short of solving the problem and would  
6 require a commitment of local matching funds from Orange County. To keep up  
7 with California's growing population, it would need 180,000 new market-rate  
8 homes each year. Despite the robust nature of the legislation passed at the state  
9 level, it is estimated to raise enough for only 14,000 new units.<sup>9</sup> Additionally, a  
10 recent report from HUD found a significant increase in the number of reported  
11 persons experiencing unsheltered homelessness, particularly in California where  
12 there is a significant lack of affordable housing.<sup>10</sup> This is especially the case in  
13 Orange County where the lack of investment in affordable and supportive housing  
14 opportunities for low-income communities has unnecessarily compounded and  
15 contributed to the homelessness issue and forced people to sleep on the streets.

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22 <sup>9</sup> See *Gov. Brown just signed 15 housing bills. Here's how they're supposed to help the affordability crisis*, Los Angeles Times, September 29, 2017, available at <http://www.latimes.com/politics/la-pol-ca-housing-legislation-signed-20170929-htlstory.html>, last visited February 8, 2018.

23 <sup>10</sup> See *San Francisco mulls state of emergency over homelessness. But will it help?* The Guardian, March 10, 2016, available at <https://www.theguardian.com/us-news/2016/mar/10/san-francisco-state-of-emergency-homelessness-crisis>, last visited on February 8, 2018, citing the statistic that in California, 63.7% of the homeless population lacks shelter; see also *Homelessness Declines in Most Communities of the U.S. With Increase Reported in High-Cost Areas*, HUD-17-109, available at [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/2017/HUDNo\\_17-109](https://www.hud.gov/press/press_releases_media_advisories/2017/HUDNo_17-109), last visited on February 8, 2018 ("HUD's 2017 homeless estimate [533,742 people] points to a significant increase in the number of reported persons experiencing unsheltered homelessness, particularly in California where there is a significant lack of affordable housing." (Emphasis added).); United States Department of Housing and Urban Development's The 2017 Annual Homelessness Assessment Report, available at <https://www.hudexchange.info/resources/documents/2017-AHAR-Part-1.pdf>, last visited on February 8, 2018, at pp. 12, 13, 16-18, 24-29; 47-79 (increase in California for unsheltered populations, including individuals, families with children, youth, and veterans. The areas surveyed in HUD's Report are located in the most populous regions in California, including Sonoma, Santa Clara, San Francisco, Fresno/Madera, Los Angeles, Riverside, Orange, and San Diego Counties. These Counties reported a major uptick in the number of unsheltered persons in their populations.)

**CONCLUSION**

For these reasons, *Amici* respectfully request that the Court grant Plaintiffs' motion.

Respectfully Submitted,  
PUBLIC LAW CENTER

Dated: February 9, 2018

/s/ Ugochi Anaebere-Nicholson

By: UGOCHI ANAEBERE-  
NICHOLSON



**PROOF OF SERVICE**

I hereby certify that on February 9, 2018, I caused to be filed electronically via the Court's CM/ECF System, and thereby served on all counsel, a true and correct copy of this Brief of Amici Curiae on the following persons:

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*[Counsel for Defendants, Orange County, et al.]*

1 Pursuant to L.R. 5-4, a chamber copy of this Amicus Brief was delivered on  
2 February 9, 2018, to:

3 Honorable David O. Carter  
4 Ronald Reagan Federal Building  
5 United States Courthouse  
6 411 West Fourth Street, 9th Floor, Courtroom D  
7 Santa Ana, CA 92701

8 I declare under penalty of perjury pursuant to the laws of the State of  
9 California that the foregoing is true and correct.

10 Executed February 9, 2018, at Santa Ana, California.

11 /s/ Ugochi Anaebere-Nicholson

12 Ugochi Anaebere-Nicholson  
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